

PATENT
Attorney Docket No. IMARX1380-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Unger and McCreery Art Unit: 1654
Serial No.: 10/802,919 Examiner: Maury A. Audet
Filed: March 18, 2004 Confirmation Number 5427
Title: METHODS FOR DELIVERING COMPOUNDS INTO A CELL

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioners, IMARX THERAPEUTICS, INC., represents that Petitioners are the Assignees of an undivided interest in Application No. 10/802,919, filed March 18, 2004, entitled Methods for delivering compounds into a cell as evidenced by the Assignment recorded in the United States Patent and Trademark Office on May 17, 2006, at Reel 017626, Frame 0618.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioners, IMARX THERAPEUTICS, INC., disclaims the terminal part of any patent granted on the above-identified Application No. 10/802,919 that would extend beyond the expiration date of U.S. Patent No. 6,638,737 issued October 28, 2003. Petitioner hereby agrees that any patent so granted on the above-identified application No. 10/802,919, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to granted U.S. Patent No. 6,638,737 issued October 28, 2003, this Agreement to run with any patent

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granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

The Commissioner is hereby authorized to charge \$65.00 as payment for the Statutory Disclaimer fee to Deposit Account No. 07-1896. Additionally, the Commissioner is hereby authorized to charge any fees that may be required by this paper, or credit any overpayment to Deposit Account 07-1896 referencing the above-identified attorney docket number.

Respectfully submitted,



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